

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CLARENCE FEASTER	:	
	:	
Plaintiff	:	
	:	
v.	:	Civil Action No. 07-578(KSH)
	:	
	:	
GEORGE W. HAYMAN, ET AL.,	:	ORDER ON INFORMAL
	:	APPLICATION
Defendants	:	
	:	

This matter having come before the Court by way of letter dated October 25, 2007, regarding defendant's request for leave to file a motion to dismiss the Complaint because: (1) plaintiff has not provided a current address; and (2) plaintiff has not responded to defendant's discovery demands;

and the Court having entered an Order, dated October 22, 2007, which provided, among other things, the responses to interrogatories and document demands are due no later than December 20, 2007, and hence the plaintiff's responses are not yet due¹ and therefore, his failure to respond as of October 23, 2007 is not a basis to seek to dismiss the case;

and the Order further directing the parties to advise the Clerk of a change of address within fifteen days of the change;

¹According to defendant's letter, defendant served its discovery demands in September, 2007, which was before the issuance of the Scheduling Order. Because discovery is not to commence before the issuance of such an Order, see Fed. R. Civ. P. 26, the defendant's demands were served prematurely and the deadline to respond to such demands set in the Pretrial Scheduling Order will govern.

and defendant CMS representing that plaintiff was released from custody on September 27, 2007 and has not notified the Court or defense counsel of his new address as of October 23, 2007;

and the plaintiff being directed to provide the Court and all parties of his contact information;

and the plaintiff being advised that failure to do so will result in a recommendation that the United States District Judge dismiss his Complaint;

and for good cause shown,

IT IS on this 2nd day of November, 2007

ORDERED that, no later than **November 19, 2007**, plaintiff shall provide the Court and defendants his contact information. Failure to do so will result in a recommendation pursuant to Fed. R. Civ. P. 16 and 41 that the United States District Judge dismiss his Complaint;

IT IS FURTHER ORDERED that if plaintiff does not provide defendant with his contact information by **November 19, 2007**, then defendant shall submit a letter to the Court requesting that it recommend that the United States District Judge dismiss the Complaint;

IT IS FURTHER ORDERED that the request for leave to file a motion to dismiss is denied without prejudice; and

IT IS FURTHER ORDERED that all terms of the Order dated October 22, 2007 shall remain in full force and effect.

s/Patty Shwartz

United States Magistrate Judge